

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1366A
Masaya YAMAMOTO et al. : **Confirmation No. 4375**
Serial No. 10/590,909 : Group Art Unit 2431
Filed August 28, 2006 : Examiner Longbit Chai
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PETITION UNDER 37 CFR 1.78(a)(3) FOR
UNINTENTIONALLY DELAYED CLAIM OF PRIORITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is noted that reference to U.S. Application Serial No. 10/796,972 filed on March 11, 2004, to which domestic priority is being claimed, was not made in the first line of the specification of the present application or in an Application Data Sheet, as required by 35 U.S.C. §120 and 37 CFR §1.78(a)(2).

Accordingly, Applicants are filing herewith a petition to accept an unintentionally delayed benefit claim under 35 U.S.C. §120.

Filed concurrently herewith is an Amendment Under 37 CFR 1.312 requesting that the specification of the application be amended so as to include the required reference to U.S. Application No. 10/796,972 in accordance with 35 U.S.C. §120 and 37 CFR §1.78(a)(2)(i). In this regard, as indicated in the Amendment under 37 CFR 1.312, the present application is the National Stage of International Application No. PCT/JP2005/003830, filed March 1, 2005, and is

a continuation-in-part of U.S. Application No. 10/796,972, filed March 11, 2004, now Patent No. 7,715,558.

It is noted that an Application Data Sheet has also been submitted (on January 19, 2011) which includes the above-noted priority claim information to U.S. Application No. 10/796,972 in accordance with 35 U.S.C. §120 and 37 CFR §1.78(a)(2)(i).

Further, it is submitted that the entire delay between the date that the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Enclosed herewith is the requisite surcharge under 37 CFR 1.17(t) of \$1,410.00.

In light of the above, it is respectfully requested that this Petition be granted and the present application be entitled to the claim of priority.

Respectfully submitted,

Masaya YAMAMOTO et al.

/Kenneth W. Fields/

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January 19, 2011